

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN  
WALKER, and WILLIAM SMITH, as  
individuals and on behalf of all others  
similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY,  
WELLS FARGO BANK, N.A., and  
DOES 1 through 125,

Defendants.

No. C 07-05923 WHA

**CLASS ACTION**

**ORDER REGARDING FORMAT  
OF PROPOSED FINDINGS OF  
FACT AND CONCLUSIONS OF  
LAW AFTER BENCH TRIAL**

By **NOON ON MAY 21**, both sides shall file proposed findings of fact, each identified by number. Each proposed finding should be concise and limited to one or two or (at most) three lines of text (exclusive of any block quotes from trial exhibits) followed by exact trial record cites fully supporting the proposed finding. The proposals should be at a level of specificity/generality so as to fit within the page limit set forth below. As a rule of thumb, less controverted subjects may be captured in more generalized proposed findings; more controversial subjects, however, usually require greater specificity and more proposed findings. Block quotes and record cites may be single-spaced (and indented) but otherwise the proposals should be double-spaced. Example:

1                   1.       When defendant went through the intersection of  
2                   Hayes and Gough, the light was red in his direction.

3                               Jones at RT 97:1–3  
4                               Young at RT 15:11–12

5                   The same submission should also set forth each proposed conclusion of law. Each  
6                   proposed conclusion of law must briefly identify the proposed findings of fact supporting the  
7                   conclusion *and* the legal authority therefor (quoting the key language of said authority). The  
8                   overall length of the submission must be 35 pages or less.

9                   Within **THREE CALENDAR DAYS** after such service of the foregoing, and by **NOON**, the  
10                  opposing side must file and serve a response. The response must state, separately as to each  
11                  proposed finding, whether the responding party agrees with the proposed finding and if not in  
12                  full agreement, then the full extent to which, considering the duty of good faith and candor, the  
13                  responding party admits the proposed finding. To the extent that the responding side objects in  
14                  any respect to the proposed finding, it must state (i) the extent to which the opposition is based  
15                  on a failure of the record cites to support the proposal (explaining why they do not support it)  
16                  and (ii) the extent to which the objection is based on contrary evidence (citing the contrary  
17                  evidence) or lack of credibility (citing relevant evidence). Example:

18                  1.       Agree that the light was red but the light had just  
19                  changed a split second before.

20                               Mack RT 42:17–18

21                  The submission shall similarly state the extent to which the responding party agrees with  
22                  each conclusion of law proposed by the other side. If there is any disagreement, the responding  
23                  side must state (i) the extent to which the disagreement is based on a failure of the supporting  
24                  findings, (ii) the extent to which the disagreement is based on a failure of the cited authorities to  
25                  support the conclusion, and (iii) the extent to which contrary authorities contradict the legal  
26                  basis for the proposed conclusion.  
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1 The responding submission should reproduce each original finding or conclusion and  
2 then, immediately after each, supply the responsive information. It may not exceed twice the  
3 overall number of pages used by the submission to which it responds.

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5 **IT IS SO ORDERED.**

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7 Dated: May 6, 2010.



8 WILLIAM ALSUP  
9 UNITED STATES DISTRICT JUDGE  
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